

Indiana Law Enforcement Academy
Basic Report Writing Course
General Grading Criteria
Written Final Exam

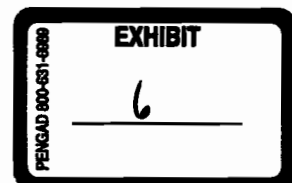
2 1/2 (9.8%)

Procedure:

1. Watch the prescribed video. Details in the video must be reported accurately. Officers must also use the information from their witness statements, and other supplemental info given to them by the instructor.
2. Write a PC narrative AND a DUI Affidavit for the **Lester DUI** case that includes at least 18 of the maximum 24 points below.

Maximum points for each grading criteria:Points

- | | | | |
|------|----|----|--|
| -1/2 | 1 | 1. | A detailed description of the suspect (3-4 identifiers, and link to crime). |
| | 1 | 2. | A numbered list showing supplemental documentation (attachments). |
| | 1 | 3. | A detailed description of the vehicle including year, make, model, license plate or VIN number. |
| | 1 | 4. | A clear explanation of how the suspect vehicle was linked to the crime (Is it clear that the suspect was OPERATING the motor vehicle) <ul style="list-style-type: none"> • Was the vehicle running? • Was the vehicle in motion? • Was the suspect behind the wheel? • Was the suspect operating the vehicle? <ul style="list-style-type: none"> o Did you see this? o Did someone else see this? • Was there anyone else in the vehicle? • Did you ever lose sight of the vehicle? |
| N/A | 5. | 5. | A <u>legal</u> justification for the use of force during the arrest, as well as a detailed description of that use of force. |
| 2 | 6. | 6. | Legal justification for searching AND seizing evidence on suspect and from inside the vehicle (Did you establish probable cause before seizing breath sample (or blood or urine) under the Implied Consent law?) |
| 2 | 7. | 7. | A good documentation of the Implied Consent procedure <ul style="list-style-type: none"> • Did you advise the suspect of the Implied Consent law? • Was it read from a card or pre-printed sheet? • Did the suspect agree to take a chemical test? <ul style="list-style-type: none"> o If so, how did they agree? o If not, how did they refuse? |
| 4 | 8. | 8. | Document the facts that satisfy <u>ALL</u> the elements of the crime(s) for which you are charging. |
- #1 – OVWH / OVWI
- Person
 - Operates
 - Vehicle
 - While Intoxicated OR While having a BAC of .08 or greater
- #2 – Driving While Suspended
- Person
 - Operates



- Vehicle
 - While having a suspended license
- 4 9. Good detail on ALL aspects of the **follow-up** investigation. Facts including:
- Chemical test procedure and results?
 - Arrest / search?
 - Driver's license seizure and receipt?
 - Miranda / Post arrest interview?
 - Vehicle impound & Inventory?
 - Driver's license history review (OVWI prior conviction, suspended status on driver's license)?
 - Victim / witness statements taken?
 - Other officers' supplemental reports collected and attached?
- 4 10. **General Writing Techniques** (plus and minus categories):
- Good areas** – Understandable language used, focused on important issues, relevant matters emphasized, made visual, medium or short paragraphs, logical progression, accurate timeline, etc.
- Bad areas** – Use of run-on sentences or paragraphs; use of "Officious" language, acronyms, abbreviations, police jargon, Ten Codes, legalese, etc.; mistakes in grammar, punctuation or spelling; omission of important Who, What, Where, When, Why and How information; Timeline or factual errors from video; Using all CAPS, using first name only, failure to proofread.
- 1 11. Format: Predication or Preamble used (Lead-In sentence)
- 1 12. Format: Headings / subheadings used in Case Report
- 1 13. Format: PC Affidavit sworn and signed
- 2 14. Format: Completed/signed standardized OVWI PC affidavit

25 Points Possible

Minimum score: 18 of 24 points (75%)

Session 225 et seq.

STATE OF INDIANA IN THE

Superior

COURT COUNTY OF

Franklin

SS:

EXHIBIT T

EXHIBIT T

State of Indiana

vs.

)

)

COURT CAUSE NUMBER

N/A

AGENCY CASE NUMBER

FC123ABC45

Lester, Dee M.

AFFIDAVIT FOR PROBABLE CAUSE

I, Mark E. Sproles, a law enforcement officer with the (agency) IDNR Law Enforcement, affirms that on (date) 04 / 11 / 2022, at approximately 11:00 ☐ am ☒ pm the accused, (first name) Dee (middle initial) M. (last name) Lester, a ☒ Male, ☐ Female, (d/o/b) 08 / 30 / 1986, (DL number or last four digits of SSN) 0002-00-0002, (license type) Operator, was observed in (location) Eastbound I74 MM148 (county) Franklin County, Indiana operating a (vehicle description, include CMV and Hazmat indicator): 2014 - Kia - Sorento - White - 4-S - VIN: SK123GHK897T897636 under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- ☒ I observed the accused operate a vehicle in my presence and view.
☒ Austin J. Walsh observed the accused operate a vehicle.
☒ I had reason to believe the accused operated the vehicle because: Lester was the only person in the vehicle and he was in the driver's seat when I made contact.
☒ The accused committed the following violation(s): Left of center. No license plate.
☐ Passenger under age 18 pursuant to IC 9-30-5-3(2)
☐ Other: N/A
 Crash Involved: ☐ Yes ☒ No Crash involved Local Crash Number: N/A Time of Crash: N/A ☐ am ☐ pm
☐ The accused admitted to being the driver involved in the crash.
☐ The result of the accused driving resulted in: ☐ serious bodily injury ☐ fatality
 Name(s) of person(s) injured: N/A

II. OBSERVATIONS

- I had reason to believe the accused was **INTOXICATED** because I observed the following:
- | | | | | |
|---|--|---|---------------------------------|--|
| <input checked="" type="checkbox"/> Odor of alcoholic beverage | <input type="checkbox"/> Left vehicle in gear | <input checked="" type="checkbox"/> HGN | <input type="checkbox"/> Passed | <input checked="" type="checkbox"/> Failed |
| <input type="checkbox"/> Alcohol beverage containers in view | <input type="checkbox"/> Failed to shut off vehicle | <input checked="" type="checkbox"/> Walk and Turn | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Speech was slurred | <input type="checkbox"/> Could not open door | <input checked="" type="checkbox"/> One Leg Stand | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Eyes were bloodshot | <input type="checkbox"/> Pulled self from vehicle | <input type="checkbox"/> Rhomberg Balance | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Manual dexterity <u>N/A</u> | <input checked="" type="checkbox"/> Staggered from vehicle | <input type="checkbox"/> P.B.T./Alco-sensor 0. <u> </u> gram of alcohol per 210 liters of breath | | |
| <input type="checkbox"/> Abusive attitude <u>N/A</u> | <input type="checkbox"/> Leaned against vehicle | DRE: Conclusion: <u>N/A</u> Performed by: <u>N/A</u> | | |
| <input checked="" type="checkbox"/> Balance was unstable | | | | |
| <input type="checkbox"/> Soiled/disorderly clothing <u>N/A</u> | | | | |
| <input checked="" type="checkbox"/> Other observations/test: <u>Weaving in lane. Handed me credit card instead of driver's license as instructed.</u> | | | | |

III. CHEMICAL TEST

- ☒ I advised the accused of the Implied Consent Law and the accused: ☒ submitted to, or ☐ refused a chemical test ☐ results are pending
☐ I was unable to offer a chemical test to the accused because such person was: ☐ unconscious ☐ injured
☒ Joseph T. Friday, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to 0.128 gram of alcohol per 210 liters of breath. The chemical test was administered at (location) Franklin County Sheriff Department at 11:30 ☐ am ☒ pm using certified instrument number 010870500
☐ I was told by N/A the result of the chemical test was an alcohol concentration equivalent to 0. N/A gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at N/A ☐ am ☐ pm. Drawn by: N/A
☐ I was told by (name) N/A the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit N/A. Such test was administered by drawing or taking a sample of: ☐ blood, ☐ urine, ☐ other N/A at (location) N/A at (time) N/A ☐ am ☐ pm.
 Drawn by: N/A

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name Austin J. Walsh Address 4850 South SR446 Bloomington, Indiana 47401 TX Number (812)-837-9536
 2. Name N/A Address N/A TX Number N/A

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

1. Offense, Court Information, Conviction Date and Court Cause/Case number: DUI - November 2017 - Hendricks County
 2. Offense, Court Information, Conviction Date and Court Cause/Case number: N/A

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, or IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant Mark E. Sproles Date (month, day, year) 4 / 12 / 22 Print Name & Department Mark E. Sproles - IDNR LE
 ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER

Bureau of Motor Vehicles Certificate

COURT CAUSE/CASE NUMBER: N/A AGENCY CASE NUMBER: FC123ABC45
 Offense Date (month, day, year): 04 / 11 / 2022 Time: 11:00 ☐ am ☒ pm (DL number or last four digits of SSN) 0002-00-0002
 Driver License Type: Operator Driver License State: Indiana
 Full Name: (First) Dee (Middle Initial) M. (Last) Lester
 Date of Birth: 08 / 30 / 1986 Gender: Weight: 185 Height: 6' 1" Eye Color: Brown Hair Color: Brown Race: White
 Address (number and street, city, state, and ZIP code): 378 Florence Street Plainfield, IN 46168
 Vehicle Type: ☒ Passenger ☐ CMV ☐ Hazmat ☐ Other: N/A
 The above Motorist: ☐ Refused ☒ Failed Alcohol Test 0. 128 BAC Drugs: ☐ Yes ☒ No ☐ Pending Results of Alcohol or Drug Test(s)
PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS THAT THE BMV TAKE THE FOLLOWING ACTION ON DEFENDANT'S DRIVING PRIVILEGES:
☐ Immediate Suspension ☐ Suspend upon notice from the Bureau of Motor Vehicles ☐ Court Ordered Ignition Interlock Device in Lieu of Suspension

Judge's Signature: _____

Date (month, day, year): ____/____/____

RECEIPT FOR LICENSE

Part of State Form 44213 (R6 / 10-10)

Instructions for Officer: In accordance with IC 9-30-6-7, the officer shall inform the person that refusing to submit to a chemical test will result in the suspension of the person's driving privileges. If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter held under IC 35-33-7-1.

This receipt is issued pursuant to IC 9-30-6-7, and is valid until your driving privileges are suspended by the court or by the Bureau of Motor Vehicles. Notice of suspension will be sent to the last address you provided to the Bureau of Motor Vehicles. If your address is not current with the Bureau of Motor Vehicles, pursuant of IC 9-24-13-4, you must update your information with the Bureau of Motor Vehicles immediately.

YOU MUST BRING THIS RECEIPT FOR LICENSE WITH YOU TO COURT.

Date of Arrest (month, day, year): 04 / 11 / 2022 Time: 11:00 ☐ AM ☒ PM

Charges: Operating while intoxicated Agency ORI: IN0530500

Driver License Number: 0002-00-0002 Driver License Type: Operator

Driver License State: Indiana

Date of Birth (month, day, year): 08 / 30 / 1986 Height: 6' 1" Weight: 185

Eye Color: Brown Hair Color: Brown

Name: (First) Dee (Middle Initial) M. (Last) Lester

Address (number and street, city, state, and ZIP code): 378 Florence Street Plainfield, IN 46168

Printed Signature of Officer: Mark E. Sproles Date (month, day, year): 04 / 11 / 2022

Law Enforcement Agency: IDNR Badge Number: 488

INCIDENT REPORT

Part of State Form 44213 (R6 / 10-10)

Agency Case Number FC123ABC45Name: (First) Dee (Middle Initial) M. (Last) LesterDriver License Number/or last 4 digits of SSN: 0002-00-0002 Date of Birth (month, day, year): 08 / 30 / 1986Incident Date (month, day, year): 04 / 11 / 2022 Incident time: 11:00 ☐ AM ☒ PMAssociated Traffic Tickets numbers: N/A

Narrative: _____

See attached narrative.

VEHICLE IN MOTION

Initial observations (TIME 23 : 00) _____

Vehicle going left of center. No license plate.

Observation of stop Turned on emergency red and blue lights. Activated emergency siren when vehicle did not acknowledge my emergency red and blue lights. Vehicle was slow to pull over.

PERSONAL CONTACT

Manual dexterity Normal

Observation of driver Strong odor of alcohol. Bloodshot eyes.

Slurred speech. Unstable balance. Cooperative attitude.

Speech slurred Eyes bloodshot

Attitude cooperative Smell alcohol

Balance unstable Containers in view N/A

Driver's voluntary statements Driver stated he had a couple beers a few hours prior to traffic stop.

INTERVIEW REGARDING PHYSICAL CONDITION

What kind of vehicle were you driving 2014 - KIA -

Sorento - 4-S - White

Glasses / Contacts / Eye conditions N/A

Physical conditions N/A

Physical injuries N/A

Medications N/A

INTERVIEW REGARDING SUBSTANCE INTAKE

What have you had to drink? Beer

Brand N/A Amount Two

Where did you drink? "Downtown"

When did you start? 20 : 00 When did you finish? 21 : 00

Have you taken any illegal drugs? N/A

What? N/A

When did you take them? N/A

1

HORIZONTAL GAZE NYSTAGMUS INSTRUCTIONS

- ☐ Are you wearing glasses or contacts?
- ☒ I'm going to check your eyes.
- ☒ Stand w/ your feet together, hands to your side.
- ☒ Follow the stimulus, w/ your eyes, but do not move your head.
- ☒ Focus on the stimulus until I tell you to stop.
- ☒ Hold stimulus 12 to 15 inches in front of nose just above eye level.
- ☒ Equal pupil size and tracking (if not, NO TEST)
- ☒ Check for resting nystagmus (NOT A CLUE)

HORIZONTAL GAZE NYSTAGMUS CLUES

CLUES

Lack of smooth pursuit (approximately 2 seconds out / 2 seconds back)

Distinct and sustained nystagmus @ max. dev. (4 secs minimum @ MD)

Onset of nystagmus prior to 45 degrees

Check for Vertical Nystagmus (NOT A CLUE)

SCORE

LT / RT

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

6

DECISION POINT: 4 CLUES / MAXIMUM # OF CLUES 6

2

WALK AND TURN INSTRUCTIONS

- ☒ Place your left foot on the line (real or imaginary) and put your right heel against the toe of your left foot.
- ☒ Place your arms to your side.
- ☒ Maintain this position and do not do anything until I tell you to start.
- ☒ DO YOU UNDERSTAND?
- ☒ When I tell you to start, take nine heel-to-toe steps along the line.
- ☒ On the ninth step, leave your front foot on the line and turn by using small steps with your back foot & take nine heel-to-toe steps back down the line.
- ☒ Keep your hands by your side, count your steps OUT LOUD, and keep looking at your feet.
- ☒ Once you start, do not stop until the test is completed.
- ☒ DO YOU UNDERSTAND?

WALK AND TURN CLUES

- | | |
|--|--|
| <input type="checkbox"/> Can't balance during instructions | <input type="checkbox"/> Starts too soon |
| <input type="checkbox"/> Stops while walking | <input checked="" type="checkbox"/> Misses heel to toe |
| <input type="checkbox"/> Steps off the line | <input checked="" type="checkbox"/> Uses arms to balance |
| <input checked="" type="checkbox"/> Turns Improperly | <input type="checkbox"/> Wrong number of steps |

DECISION POINT: 2 CLUES / MAXIMUM # OF CLUES 8 SCORE **3**

Stopped for safety reasons or could not perform test safely ☐

3

ONE LEG STAND INSTRUCTIONS

- ☒ Stand with your feet together.
 - ☒ Keep your arms by your side.
 - ☒ Maintain that position until told to do otherwise.
 - ☒ DO YOU UNDERSTAND?
 - ☒ Keep both legs straight
 - ☒ Raise one foot approximately 6 inches w/ foot parallel to ground
 - ☒ Look down at your raised foot
 - ☒ Count OUT LOUD (1001, 1002, 1003) until told to stop.
- 30 second timed test — DO NOT ADVISE SUBJECT OF TIMED TEST

ONE LEG STAND CLUES

- ☒ Sways during test
- ☒ Uses arms to balance
- ☐ Hops
- ☒ Puts foot down

SCORE

3

DECISION POINT: 2 CLUES / MAXIMUM # OF CLUES 4

Stopped for safety reasons or could not perform test safely ☐

4

PBT Result _____ **Mouth Checked at** _____

ALTERNATE TESTS

50 pounds overweight / 65 years of age or older / claimed injury

Alphabet D through R: N/A

Finger Count 1-2-3-4 / 4-3-2-1 each finger to thumb: N/A

Backward Count 96 to 66: N/A

Other: N/A

Preliminary information:

On Monday, 04/11/2022, at approximately 2300 hours, I, Officer Mark E. Sproles, and Officer Austin J. Walsh, were on normal patrol in Franklin County. The weather conditions were clear, it was dark outside with no natural lighting, and we were eastbound on I74.

Initial observations:

While driving eastbound I74 at mile marker 148, I saw a 2014, KIA Sorento, white in color, swerving left of center with no license plate (VIN: SK123GHK897T897636). I saw the vehicle drive left of center twice within the distance of one mile. I saw the vehicle then roll through a stop sign when he exited I74 and proceeded southbound on SR229.

He actually turned them on for sooner than this.

Vehicle stop:

Once the driver turned off the exit and headed southbound on SR229, I turned on my emergency red and blue lights at approximately 2305 hours. The driver did not attempt to stop, so I turned on my emergency siren to get his attention. He started to slow down and pull over to the side of the road and came to rest on the right shoulder.

Driver contact:

I walked to the passenger door. When I reached the passenger door, I informed him on the reason I stopped him was because he was weaving left of center, and he did not have a license plate. I asked the driver for his license and vehicle registration. The driver was later identified as Dee M. Lester, (DOB 8/30/1986, 6'1", 185lbs, brown eyes, brown hair). He told me that he was just "tired" and was coming from "downtown." He stated that he was "with some friends" and that he was "just headed home." The driver then handed me a Visa credit card instead of his driver's license. He apologized and then gave me the correct documents. I asked him how much alcohol he had to drink, and he responded with, "just a couple drinks." I could clearly hear him slurring his words as he talked. I told him to step out of his vehicle and meet me at the front of my patrol vehicle so I could see if he was ok to drive for the night. As he exited his vehicle, he began to stumble, but regained his balance enough to walk to my patrol vehicle.

Once we got to my patrol vehicle, I began to ask Lester a few basic questions. I had Officer Walsh witness my actions, questions, and instructions. The questions consisted of if Lester had any mechanical issues with his vehicle, if he was sick or injured, and if there was anything physically wrong with him. He responded with, "no" to all my questions. I then asked him when the last time he ate was and what he ate. He said that he ate pizza a few hours ago. I asked him again where he was coming from and where he was headed, and he responded with "downtown" and that he was "just going home." I asked him how much alcohol he had to drink,

and he said that he just had "two." He told me he started drinking three hours ago but stopped two hours ago. He said that he did not feel the effects of the alcohol.

Field sobriety tests:

After I had completed my basic questions, I told him to stand with his feet together and his arms down at his sides, as I was about to begin the Standardized Field Sobriety Tests (SFST) with him. I began by instructing him on how to perform the Horizontal Gaze Nystagmus (HGN) test. I told him to "follow the tip of my finger with your eyes only and don't move your head," and asked if he understood. He said, "yes." After the test was completed, Lester had "failed" all six steps, or "clues" (three for each eye) of HGN; lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation, and onset of nystagmus prior to 45 degrees. *Time?*

Good I then found a flat, level surface with no obstructions to perform the Walk and Turn test. I explained and demonstrated the test by telling him to, "imagine a line in front of you, place your left foot on that line, and place your right foot on the line directly in front of your left foot, with the heel of your right foot in front of your left foot." I then told him to, "take nine heel to toe steps on the line, turn, and take nine heel to toe steps down the line." I physically demonstrated the test to him and gave more clarification to him. He said that he understood the test and started to perform the test. After the Walk and Turn test was over, he had turned improperly, missed heel to toe, and used his arms for balance, for a total of three "failures" or "clues." *Time?*

The last test I administered was the One Leg Stand. I explained and demonstrated how to properly perform the One Leg Stand. I told him to, "raise one leg, foot six inches from the ground, parallel with the ground," and while looking at his leg to count by one thousands until I tell him to stop. I asked him if he understood the instructions and he stated that he did understand. During the One Leg Stand, Lester had three "failures" or "clues" indicating that he was intoxicated. The "clues" were him swaying during the test, using his arms to balance, and him putting his foot down. I read Lester Implied Consent verbatim from my Implied Consent card. He stated he would submit to a breath test after I read him Implied Consent. *Time?*

Arrest:

At approximately 2320 hours, after completing the SFST, I told Lester to turn around and I placed him under arrest for DUI. I told him to "put your hands on your head, interlock your fingers, separate your feet, and don't move." I then placed him in handcuffs. I checked the handcuffs for proper fit and double locked the handcuffs. I put him in the backseat of my patrol vehicle.

Disposition of vehicle and contents:

I called for a tow truck for Lester's 2014, KIA Sorento from Whitewater Towing LLC. *Time?*
Officer Walsh and I then inventoried Lester's vehicle. Once the tow truck arrived, Officer Walsh, Lester, and I were in route to the Franklin County Sheriff Department jail.

Implied consent:

Once Officer Walsh, Lester, and myself arrived at the Franklin County Sheriff Department jail, I read Lester Implied Consent a second time from my Implied Consent card before the chemical test. Lester again stated that he would submit to the chemical test. Officer Walsh, Lester, and I went into the jail to where the chemical test was located. I confirmed that the chemical test was calibrated within the last week, and I checked Lester's mouth for any foreign object that would impede the results of the test. I instructed Lester on how to perform the chemical test, and he performed it with no issues and completed the test at approximately 2330 hours. Officer Joseph T. Friday, a certified chemical test operator, determined Lester's result was 0.128BrAC.

Final disposition:

After the results of the chemical test, Lester was then booked into jail at the Franklin County Sheriff Department for operating a vehicle while intoxicated. I also issued Lester citations for driving left of center and no license plate. Lester's vehicle was inventoried and towed by Whitewater Towing LLC. I have submitted my report to the prosecutor upon district approval. *under?*

Attachments:

- 1/2*
- 1 Driver's license
 - 2 Officer's supplemental reports
 - 3 Criminal history information
 - 4 Chemical test paperwork
 - 5 Copies of tickets
 - 6 Tow log and inventory sheet

Mark E. Spores

Officer Printed Signature

Mark E. Spores

Officer Signature